

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ADIP J. TADROS & NORMA TADROS,

Plaintiffs,

v.

CITY OF UNION CITY; MAYOR BRIAN P.
STACK; JOHN MEDINA; MARTIN
MARTINETTI; FRANCO ZANDARDELLI;
LUCIO FERNANDEZ; CHRISTOPHER F.
IZIZARRY; TILO E. RIVAS; MARYBURY
BOMBINO; ANDRES GARCIA; MIGUEL
ORTIZ; VICTOR MERCADO; VICTOR
GRULLON; MARGARITA GUTIERREZ;
DENIS VELEZ; C. VALBIVIA; THE STATE
OF NEW JERSEY; EMPIRETECH
CONSULTING ASSOCIATION INC.;
SHERIFF H. EL-FAR; SHERIFF P.E. CONNIE
YOUNIS; JOSE IZQUIERDO; JAI,
ARCHITECTS LLC; ABBAS A. SHAH;
RONALD ABRAHAM, ESQ.; GREGG F.
PASTER, ESQ.; WILFREDO J. ORTIZ, II,
ESQ.; J.D.P. CONSTRUCTION SERVICES,
INC.; JUAN DE LA PAZ; JAY B. ZUCKER,
ESQ.; ROSE RUBITO, ESQ.; DAVID M.
WATKINS, ESQ.; 54 INC.; ORTIZ AND
PASTER LAW OFFICES; JAY B. ZUCKER &
KWESTEL, LLP; JOHN DOES,

Defendants.

Hon. Dennis M. Cavanaugh

ORDER

Civil Action No. 10-CV-2535 (DMC)(MF)

DENNIS M. CAVANAUGH, U.S.D.J.:

This matter comes before the Court upon Plaintiffs Adip and Norma Tadros' Motion for

Default Judgment against Defendants Abbas A. Shah, Empiretech Consulting Assoc. Inc. and Empiretech Construction Assoc. Inc. and Connie Younis (hereinafter, the “Empiretech Defendants”) as well as Defendants Jay B. Zucker, Esq., 54 Inc. and Steven J. Kwestel, Esq. and Philip W. Shapiro, Esq. (ECF No. 69). After considering all submissions, and based upon the following;

WHEREAS Steven J. Kwestel, Esq. and Philip W. Shapiro, Esq. are not named Defendants in this case, default judgment will not be entered against them;

WHEREAS pursuant to Fed.R.Civ.P. 55, entry of a default judgment against a party is a two step process starting first with the entry of default by the clerk, and then culminating in the entry of default judgment by the court;

WHEREAS pursuant to Fed.R.Civ.P. 55(a) the clerk must enter a party’s default when a properly served defendant fails to respond or properly defend;

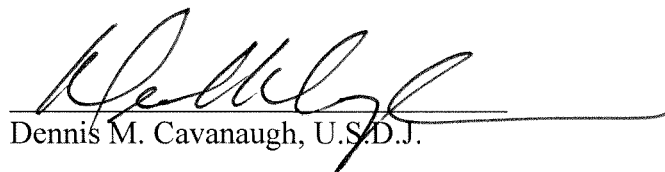
WHEREAS the clerk has not entered default against any of the Defendants named in the instant motion for default judgment;

WHEREAS the Empiretech Defendants have submitted sufficient proof to this Court that they were not properly served with Plaintiff’s Complaint, see (Opp’n by Empiretech Def.’s to Pl.’s Mot. for Default J. 1, 4, Apr. 18, 2011, ECF No. 72);

IT IS 30 day of November, 2011;

ORDERED Plaintiff’s motion for default judgment against Defendants Empiretech Consulting Assoc. Inc., Abbas A. Shah, Empiretech Construction Assoc. Inc and Connie Younis is hereby **denied**; and it is further,

ORDERED Plaintiff's motion for default judgment against Defendants Jay B. Zucker, and 54 Inc. is **denied**.



Dennis M. Cavanaugh, U.S.D.J.

Original: Clerk's Office
cc: Hon. Mark Falk, U.S.M.J.
All Counsel of Record
File